

**Subject: Premarital examinations under the New York law.\***

In connection with the California laws on premarital examinations, recently enacted, the following communication from the New York Department of Health may be of interest:

(COPY)

STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Albany, New York, August 4, 1939.

*To the Editor:*—The New York State Legislature in 1938 passed a law requiring a physical examination, including a standard serological test for syphilis, on all applicants for marriage licenses within the state.

Several instances have been called to my attention in which residents of other states have had difficulties in securing marriage licenses in New York State because of misinterpretations of the law by themselves or their examining physicians. In order that such inconveniences may be avoided, I should greatly appreciate it if you would, through your *Journal*, inform the medical profession of your state of the provisions of the New York law.

That part of the Act as amended and effective July 1, 1939, referable to those examinations, reads as follows:

"Physician's examination and serological test of applicant for marriage license. (1) Except as herein otherwise provided, no application for a marriage license shall be accepted by the town or city clerk unless accompanied by or unless there shall have been filed with him a statement or statements signed by a duly licensed physician or by a commissioned medical officer of the United States Army, Navy, or public health service that each applicant has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made on a day specified in the statement, which shall not be more than the thirtieth day prior to that on which the license is applied for, and that, in the opinion of the physician, the person therein named is not infected with syphilis, or if so infected is not in a stage of that disease whereby it may become communicable."

The law further states that "a standard serological test shall be a laboratory test for syphilis, approved by the State Commissioner of Health, and shall be performed by the state department of health, or in the city of New York by the department of health of such city, or at a laboratory approved for this purpose by the state department of health, or in the city of New York by the department of health of such city."

I offer the following comments relative to its interpretation:

1. A duly licensed physician means any physician duly licensed to practice medicine in the state in which he resides or in which he maintains his office.

2. The date of examination is interpreted to mean the date on which the specimen of blood is taken.

3. The state commissioner of health and the state department of health referred to mean Commissioner of Health of the State of New York and the New York State Department of Health.

4. Laboratory tests made as a part of premarital examinations for persons applying for marriage licenses in New York State, outside of New York City, as well as the laboratories in which these tests are performed, must be approved by the New York State Commissioner of Health. For administrative reasons laboratories within New York State only have been approved for tests on applicants for licenses in the state, exclusive of New York City.

5. The Commissioner of Health of the city of New York has approved certain out-of-state laboratories for the performance of serological tests on persons applying for mar-

riage licenses in New York City. Requests for information concerning laboratories approved by the New York City Department of Health should be addressed to that department at Worth and Centre Streets, New York City.

*Outline of procedures for examination of out-of-state applicants for marriage licenses in New York State, exclusive of New York City:*

1. Any physician duly licensed to practice medicine in the state in which he resides or in which he maintains his office may perform the necessary physical examination.

2. The specimen of blood must be sent to an approved laboratory in New York State. It is suggested that specimens be sent to the Division of Laboratories and Research, New York State Department of Health, New Scotland Avenue, Albany, New York, where examinations will be made free of charge.

3. The specimen should be labeled "for premarital examination."

4. The use of air mail is recommended when the specimen must be sent a great distance.

5. Upon completion of the test the laboratory will send the physician, in addition to the usual laboratory report, a certificate to the effect that the serological test was performed as a part of a premarital examination.

6. If, in the opinion of the examining physician the applicant is free from syphilis or does not have the disease in a stage which may become communicable, he should complete the certificate as indicated thereon.

7. The certificate is given to the applicant who will submit it to the clerk when the marriage license is applied for.

If these procedures are followed, there should be no difficulty in obtaining the license.

For further information relative to the marriage of persons in New York State, exclusive of New York City, communications should be addressed to the Division of Syphilis Control, New York State Department of Health, Albany, New York.

Very truly yours,

(Signed): EDWARD S. GODFREY, JR.,  
Commissioner of Health.

**Subject: Fight against nostrums and quackery. Request for coöperation.**

(COPY)

FEDERAL TRADE COMMISSION  
WASHINGTON

July 14, 1939.

*To the Editor:*—In a recent conference with Dr. Olin West, a problem of mutual interest to the medical profession and the Federal Government was discussed. It is at the suggestion of Doctor West that I am writing you this letter.

At great hazard, not infrequently involving costly and harassing suits for libel, the American Medical Association has for many years been conducting a valiant fight against nostrums and quackery. Through these means an invaluable service has been rendered to the profession as a whole, and to every individual member. Various aspects of this service should be obvious to any physician. The Association, however, is without regulatory powers. Through the pages of the *Journal* and otherwise it can expose falsehood and advise against it, but it lacks the authority to specify and enforce the limits beyond which the advertiser of a product may not go in representing to the public the merits of a proprietary preparation.

Fortunately, however, there is an agency clothed with this authority and charged with this responsibility. This is the Federal Trade Commission which has jurisdiction over false and misleading advertising. In this capacity the Federal Trade Commission is the medium through which the ambitions of the medical profession with respect to false advertising can be realized. It is believed, therefore, that the successful accomplishment of this objective should

\* For information concerning the California premarital law, refer to CALIFORNIA AND WESTERN MEDICINE, issue of August, 1939, on page 139.